

U.S. Department of Labor Occupational Safety and Health Administration
6393 Oak Tree Blvd
Suite 203
Independence, OH 44131



08/26/2024

South Marine Systems, LLC
and its successors
1453 Dover Center
Westlake, OH 44145

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000), which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (216) 447-4194.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,



Howard B Eberts
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
6393 Oak Tree Blvd
Suite 203
Independence, OH 44131



Citation and Notification of Penalty

To:

South Marine Systems, LLC
and its successors
1453 Dover Center
Westlake, OH 44145

Inspection Number: 1742704

Inspection Date(s): 04/15/2024 - 08/26/2024

Issuance Date: 08/26/2024

Inspection Site:

1149 East Fifth Street
Ashtabula, OH 44004

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (216) 447-4194. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide **abatement certification** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that **abatement documentation** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 08/26/2024. The conference will be held by telephone or at the OSHA office located at 6393 Oak Tree Blvd, Suite 203, Independence, OH 44131 on _____ at _____.

_____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1742704

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004
Issuance Date: 08/26/2024

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 6393 Oak Tree Blvd, Suite 203, Independence, OH 44131.**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1742704
Inspection Date(s): 04/15/2024 - 08/26/2024
Issuance Date: 08/26/2024



Citation and Notification of Penalty

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1915.7(b)(1): The employer did not designate one or more shipyard competent persons.

On or about March 15, 2024, onboard the Cuyahoga vessel moored at the Port of Ashtabula, Kinder Morgan Pinney Dock; Minnesota slip, A/B dock side, employees were engaged in hot work activities in cargo hold #2 including but not limited to the removal of Amerthane 490. The employer failed to produce any tests/inspections performed by a marine chemist and failed to designate a shipyard competent person.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 20, 2024
Proposed Penalty:	\$11,292.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1915.7(d)(1): The employer did not ensure that the person performing tests and inspections recorded the location, time, date and the operations performed, as well as the test results and any instructions, when tests and inspections were performed by a competent person, Marine Chemist, or Certified Industrial Hygienist.

On or about March 15, 2024, moored at the Port of Ashtabula, Kinder Morgan Pinney Dock; Minnesota slip, A/B dock side, the employer failed to record the type of operations being performed, a description of the workspace, nor was entry approved by a competent person while employees were engaged in hot work activities on the Cuyahoga vessel.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 20, 2024
Proposed Penalty:	\$11,292.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1742704
Inspection Date(s): 04/15/2024 - 08/26/2024
Issuance Date: 08/26/2024



Citation and Notification of Penalty

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004

Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1915.12(a)(1): The employer did not ensure that sealed and non-ventilated spaces were visually inspected and tested by a competent person to determine the atmosphere's oxygen content prior to initial entry into the space by an employee.

On or about March 15, 2024, and at times prior, moored at the Port of Ashtabula, Kinder Morgan Pinney Dock; Minnesota slip, A/B dock side, while conducting hot work activities in the water ballast tanks and cargo hold #2 on the Cuyahoga vessel, the employer failed to have sealed and non-ventilated spaces visually inspected and tested by a competent person, exposing employees to hazardous atmospheric conditions.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 20, 2024
Proposed Penalty:	\$11,292.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1742704
Inspection Date(s): 04/15/2024 - 08/26/2024
Issuance Date: 08/26/2024



Citation and Notification of Penalty

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1915.12(d)(1): The employer did not ensure that each employee entering a confined or enclosed space or other areas with dangerous atmospheres was trained to perform all required duties safely.

On or about, March 15, 2024, on board the Cuyahoga vessel moored at the Port of Ashtabula, Kinder Morgan Pinney Dock; Minnesota slip, A/B dock side, employees entered confined spaces in the water ballast tanks and dangerous atmospheres in cargo hold #2 to perform hot work activities without being trained by the employer on how to safely perform duties while working in permit required spaces.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 20, 2024
Proposed Penalty:	\$11,292.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1742704
Inspection Date(s): 04/15/2024 - 08/26/2024
Issuance Date: 08/26/2024



Citation and Notification of Penalty

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004

Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1915.12(e): The employer neither established a shipyard rescue team nor arranged for an outside rescue team to respond promptly to a request for rescue service.

On or about March 15, 2024, on board the Cuyahoga vessel moored at the Port of Ashtabula, Kinder Morgan Pinney Dock; Minnesota slip, A/B dock side, employees performing hot work activities in water ballast tanks and cargo hold #2, were exposed to caught-in and asphyxiation hazards in that the employer did not develop and implement procedures for summoning assistance and rescuing entrants, during rescue and emergency operations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 20, 2024
Proposed Penalty:	\$11,292.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1742704
Inspection Date(s): 04/15/2024 - 08/26/2024
Issuance Date: 08/26/2024



Citation and Notification of Penalty

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 6 a Type of Violation: **Serious**

29 CFR 1915.14(b)(1): Hot work was permitted in dangerous atmospheres before being tested by a competent person and determined to contain no concentrations of flammable vapors equal to or greater than 10 percent of the lower explosive limit.

On or about March 15, 2024, on board the Cuyahoga vessel moored at the Port of Ashtabula, Kinder Morgan Pinney Dock; Minnesota slip, A/B dock side, welders were performing hot work activities in water ballast tanks and cargo hold #2 without the employer ensuring spaces were tested by a competent person.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 20, 2024
Proposed Penalty:	\$11,292.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1742704
Inspection Date(s): 04/15/2024 - 08/26/2024
Issuance Date: 08/26/2024



Citation and Notification of Penalty

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004

Citation 1 Item 6 b Type of Violation: **Serious**

29 CFR 1915.14(b)(1)(i): Hot work was permitted in or on dry cargo holds or adjacent spaces before being tested by a competent person and determined to contain no concentrations of flammable vapors equal to or greater than 10 percent of the lower explosive limit.

On or about March 15, 2024, on board the Cuyahoga vessel moored at the Port of Ashtabula, Kinder Morgan Pinney Dock; Minnesota slip, A/B dock side, welders were performing hot work activities in a cargo hold #2 without the employer ensuring spaces were tested by a competent person while work was being conducted in cargo hold #1.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 20, 2024
Proposed Penalty:	\$0.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1742704
Inspection Date(s): 04/15/2024 - 08/26/2024
Issuance Date: 08/26/2024



Citation and Notification of Penalty

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004

Citation 1 Item 7 Type of Violation: **Serious**

29 CFR 1915.15(b): Work was not stopped when the conditions within a tested confined or enclosed space or other dangerous atmosphere changed.

On or about March 15, 2024, onboard the Cuyahoga vessel moored at the Port of Ashtabula, Kinder Morgan Pinney Dock; Minnesota slip, A/B dock side and times prior, small fires occurred during hot work activities in the tunnel and the employer did not stop work to re-evaluate the conditions, exposing employees to fire hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 20, 2024
Proposed Penalty:	\$11,292.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1742704
Inspection Date(s): 04/15/2024 - 08/26/2024
Issuance Date: 08/26/2024



Citation and Notification of Penalty

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004

Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1915.53(b): No test was made by a competent person to determine the flammability of a surface covered by an unknown preservative coating before welding, cutting, or heating was commenced on the surface.

On or about March 15, 2024, onboard the Cuyahoga vessel moored at the Port of Ashtabula, Kinder Morgan Pinney Dock; Minnesota slip, A/B dock side, employees in cargo hold #2 were exposed to fire hazards during hot work activities in that the employer did not ensure a test was not conducted by a competent person to determine flammability of the preservative coating on the bulkhead prior to hot work beginning.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 20, 2024
Proposed Penalty:	\$11,292.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1742704
Inspection Date(s): 04/15/2024 - 08/26/2024
Issuance Date: 08/26/2024



Citation and Notification of Penalty

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004

Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1915.53(c): A 1-½ inch or larger fire hose with fog nozzle, uncoiled, placed under pressure and protected from freezing conditions was not in the immediate vicinity and ready for use where highly flammable hardening preservatives were being removed.

On or about March 15, 2024, onboard the Cuyahoga vessel moored at the Port of Ashtabula, Kinder Morgan Pinney Dock; Minnesota slip, A/B dock side, the employer failed to provide a 1-1/2 inch or larger fire hose with fog nozzle while employees were removing Amerthane 490 with a welder off of the bulkhead in cargo hold #2, exposing employees to fire hazards and asphyxiation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 20, 2024
Proposed Penalty:	\$11,292.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1742704
Inspection Date(s): 04/15/2024 - 08/26/2024
Issuance Date: 08/26/2024



Citation and Notification of Penalty

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1915.158(b)(5): There was not at least one portable or permanent ladder in the vicinity of each floating vessel on which work was being performed.

On or about March 15, 2024, onboard the Cuyahoga vessel moored at the Port of Ashtabula, Kinder Morgan Pinney Dock; Minnesota slip, A/B dock side, the employer failed to provide employees with a ladder to use to exit the water if an employee fell into the water, exposing employees to hypothermia.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 20, 2024
Proposed Penalty:	\$4,839.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 11 a Type of Violation: **Serious**

29 CFR 1915.502(a): A written fire safety plan was not developed and implemented by the employer that covered all of the actions necessary to ensure the employees safety in the event of a fire.

On or about March 15, 2024, onboard the Cuyahoga vessel moored at the Port of Ashtabula, Kinder Morgan Pinney Dock; Minnesota slip, A/B dock side, a large fire occurred, and a fire safety plan was not developed and implemented by the employer to ensure employee safety.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 20, 2024
Proposed Penalty:	\$11,292.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1742704
Inspection Date(s): 04/15/2024 - 08/26/2024
Issuance Date: 08/26/2024



Citation and Notification of Penalty

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004

Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1915.504(c)(2)(ii): Employers did not ensure that employees assigned to fire watch duties were able to communicate with the workers exposed to hot work.

On or about March 15, 2024, onboard the Cuyahoga vessel moored at the Port of Ashtabula, Kinder Morgan Pinney Dock; Minnesota slip, A/B dock side, the employer did not ensure a Chinese-speaking employee engaged in hot work activities in cargo hold #2 was able to communicate with a Spanish-speaking employee that was conducting fire watch, exposing employees to fire hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 20, 2024
Proposed Penalty:	\$11,292.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1742704
Inspection Date(s): 04/15/2024 - 08/26/2024
Issuance Date: 08/26/2024



Citation and Notification of Penalty

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004

Citation 1 Item 13 Type of Violation: **Serious**

29 CFR 1915.505(c)(1): Fire response employees did not receive medical examinations to assure that they were physically and medically fit for duties they were expected to perform.

On or about March 15, 2024, onboard the Cuyahoga vessel moored at the Port of Ashtabula, Kinder Morgan Pinney Dock; Minnesota slip, A/B dock side, employees responded to a large fire in cargo hold #2 with fire extinguishers and the employer did not ensure employees received a medical examination prior to ensure fitness for duties.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 20, 2024
Proposed Penalty:	\$11,292.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1742704
Inspection Date(s): 04/15/2024 - 08/26/2024
Issuance Date: 08/26/2024



Citation and Notification of Penalty

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004

Citation 1 Item 14 Type of Violation: **Serious**

29 CFR 1915.505(e)(3)(i): The employer did not provide a self-contained breathing apparatus (SCBA) to all fire response employees involved in an emergency situation in an atmosphere that was IDLH, potentially IDLH, or unknown.

On or about March 15, 2024, onboard the Cuyahoga vessel moored at the Port of Ashtabula, Kinder Morgan Pinney Dock; Minnesota slip, A/B dock side, the employer did not provide employees engaged in firefighting activities in cargo hold #2 with SCBAs exposing employees to asphyxiation hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 20, 2024
Proposed Penalty:	\$11,292.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1742704
Inspection Date(s): 04/15/2024 - 08/26/2024
Issuance Date: 08/26/2024



Citation and Notification of Penalty

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004

Citation 1 Item 15 Type of Violation: **Serious**

29 CFR 1915.508(e)(2)(i): Each fire watch employee was not trained in basic fire behavior, different classes of fire, extinguishing agents, the stages of fire, and methods of extinguishing fires.

On or about March 15, 2024, onboard the Cuyahoga vessel moored at the Port of Ashtabula, Kinder Morgan Pinney Dock; Minnesota slip, A/B dock side, the employer failed to train fire watch employees on the very basic elements of fighting a fire, including extinguishing agents and methods of extinguishing fires, exposing employees to asphyxiation hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 20, 2024
Proposed Penalty:	\$11,292.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1742704
Inspection Date(s): 04/15/2024 - 08/26/2024
Issuance Date: 08/26/2024



Citation and Notification of Penalty

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.40(a): The employer did not provide an authorized government representative the records within the four business hours.

On or about August 2, 2024, the OSHA Compliance Safety and Health Officer requested South Marine Systems, LLC OSHA 300 Logs and Summary Form 300As for 2021-2023. After a subsequent request August 6, 2024, the Logs and Summaries still had not been provided.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

September 20, 2024
\$1,613.00

A handwritten signature in blue ink, appearing to read "Howard B Eberts", written over a horizontal line.

Howard B Eberts
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
6393 Oak Tree Blvd
Suite 203
Independence, OH 44131



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: South Marine Systems, LLC
Inspection Site: 1149 East Fifth Street, Ashtabula, OH 44004
Issuance Date: 08/26/2024

Summary of Penalties for Inspection Number: 1742704

Citation 1 Item 1, Serious	\$11,292.00
Citation 1 Item 2, Serious	\$11,292.00
Citation 1 Item 3, Serious	\$11,292.00
Citation 1 Item 4, Serious	\$11,292.00
Citation 1 Item 5, Serious	\$11,292.00
Citation 1 Item 6a, Serious	\$11,292.00
Citation 1 Item 6b, Serious	\$0.00
Citation 1 Item 7, Serious	\$11,292.00
Citation 1 Item 8, Serious	\$11,292.00
Citation 1 Item 9, Serious	\$11,292.00
Citation 1 Item 10, Serious	\$4,839.00
Citation 1 Item 11a, Serious	\$11,292.00
Citation 1 Item 11b, Serious	\$0.00
Citation 1 Item 12, Serious	\$11,292.00
Citation 1 Item 13, Serious	\$11,292.00
Citation 1 Item 14, Serious	\$11,292.00
Citation 1 Item 15, Serious	\$11,292.00
Citation 2 Item 1, Other-than-Serious	\$1,613.00

TOTAL PROPOSED PENALTIES: **\$164,540.00**

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to two times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Howard B Eberts
Area Director

August 26, 2024

Date